

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

## JOHN CLARK

*Plaintiff on behalf of himself and  
all others similarly situated*

VS

AVATAR TECHNOLOGIES PHL., INC.  
and FLOWROUTE, LLC

### *Defendants*

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**CIVIL ACTION NO. 4:13-cv-02777**

## JURY DEMANDED

**AGREED MOTION FOR DISMISSAL WITH PREJUDICE**

Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, Plaintiff hereby moves to dismiss with prejudice all claims in this action against Defendant Avatar Technologies Phl., Inc. The Defendant Avatar Technologies Phl., Inc. has not served a motion for summary judgment as of the filing of this Notice of Dismissal nor has any counterclaims against the Plaintiff. The Plaintiff has not previously dismissed any Federal- or state-court action based on or including the same claims.

Respectfully submitted,

WYNNE & WYNNE LLP

/s/ David E. Wynne  
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**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing was served on all counsel listed below either electronically pursuant to the District Court's ECF noticing system or via direct e-mail on this the 18<sup>th</sup> day of August, 2014.

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*/s/ David E. Wynne*  
David E. Wynne